

**AMENDMENTS TO THE DRAWINGS**

Please approve the drawing changes that are marked in red on the accompanying “Annotated Sheet Showing Changes” of Figure 4. A formal “Replacement Sheet” of each amended figure is also enclosed. No new matter has been added.

Attachments: Replacement Sheet

Annotated Sheet Showing Changes

## REMARKS

### SUMMARY

Reconsideration of the application is respectfully requested.

Claims 1-4, 6-12, 14-16 remain in the application and are subject to examination. Claims 1 and 9 have been amended. Claims 5 and 13 have been cancelled. The specification and Figure 4 of the drawings have been amended to correct typographical errors. All amendments are fully supported by the original disclosure and no new matter has been introduced.

### CLAIM REJECTIONS UNDER 35 U.S.C. § 102 - CLAIMS 1, 3-4, 6, 9, 11-12, AND 14

In “Claim Rejections – 35 USC § 102,” item 2 on page 2 of the above-identified Office Action, claims 1, 3-4, 6, 9, 11-12 and 14 have been rejected as being fully anticipated by U.S. Patent Application Publication No. 2002/158812 to Pallakoff (hereinafter “Pallakoff”) under 35 U.S.C. § 102(e).

Applicant respectfully disagrees with the Examiner’s analysis of the claims and Pallakoff. Nonetheless, in the interest of expeditiously bringing prosecution on the merits to an end, Applicant has amended claims 1 and 9 as set forth above. All amendments are fully supported by the original disclosure and no new matter has been introduced.

As amended, claim 1 requires, *inter alia*, a mobile communication device comprising:

- a scroll button
- scrolling logic to scroll information displayed at a variable scroll rate ... and designed to stop scrolling gradually in response to cessation of the pressing of the scroll button.

Claim 1 of the present invention, as amended, requires scrolling logic designed to stop scrolling gradually in response to a cessation of pressure on the scroll button. As noted by the Examining Attorney, Pallakoff does not teach stopping scrolling gradually in response to a de-selection of the scroll button.

The amendment to claim 1 incorporates in substance the limitation of now cancelled claim 5. The Examiner has rejected claim 5 as obvious under Pallakoff in view of U.S. Patent No. 6,198,473 to Armstrong (hereinafter “Armstrong”).

Armstrong does not remedy the deficiencies of Pallakoff. Armstrong shows a computer mouse with a variable scroll rate where the scroll rate may be reduced by reducing pressure applied to the mouse button. Armstrong teaches scroll rates that are responsive to low to high pressure exerted on the scroll button. In contrast, claim 1 of the instant application teaches gradually stopping scrolling when there is no pressure on the button – when the button is de-selected. Armstrong merely reduces the scroll rate when pressure is reduced. The device in Armstrong immediately stops scrolling when pressure on the button ceases. Thus, Pallakoff in view of Armstrong fails to disclose the novel device recited in claim 1.

Accordingly, it is clear that none of the references, whether taken alone or in any combination, either show or suggest the novel features of claim 1. Therefore, claim 1 is patentable over the proposed combination of Pallakoff in view of Armstrong

Claims 3-4 and 6 depend from claim 1, incorporating its limitations. Therefore, for at least the reasons stated above, claims 3-4 and 6 are patentable over Pallakoff in view of Armstrong.

Claim 9 has been amended to require in substance the same novel combination as claim 1. Thus, for at least the reasons stated above, claim 9 is patentable over Pallakoff in view of Armstrong.

Claims 11-12 and 14 depend from claim 9, incorporating its limitations. Therefore, for at least the reasons stated above, claims 11-12 and 14 are patentable over Pallakoff in view of Armstrong.

#### **CLAIM REJECTIONS UNDER 35 U.S.C. § 103 – CLAIMS 2 AND 10**

In “Claim Rejections – 35 USC § 103,” item 4 on page 4 of the above-identified Office Action, claims 2 and 10 have been rejected as being obvious over Pallakoff in view of U.S. Patent No. 6,539,243 to Kimura, et al. (hereinafter “Kimura”) under 35 U.S.C. § 103(a).

Claims 2 and 10 depend from amended claims 1 and 9 respectively, correspondingly incorporating their limitations. Kimura does not remedy Pallakoff's deficiencies with respect to claims 1 and 9. Kimura shows scroll buttons which may also functions as "execute" buttons, where the process to be executed is selected based upon the length of time the button is held. Kimura does not show gradually stopping scrolling in response to a cessation of pressure on the scroll button.

None of the references, whether taken alone or in any combination, either show or suggest the features of claims 2 and 10. Therefore, claims 2 and 10 are patentable over the proposed combination of Pallakoff in view of Kimura.

#### **CLAIM REJECTIONS UNDER 35 U.S.C. § 103 – CLAIMS 5, 7-8, 13 AND 15-16**

In "Claim Rejections – 35 USC § 103," item 5 on page 4 of the above-identified Office Action, claims 5, 7-8, 13 and 15-16 have been rejected as being obvious over Pallakoff in view of Armstrong.

The cancellation of claims 5 and 13 has rendered their rejections moot.

Claim 7 requires in substance the same novel features as Claim 1. Therefore, for at least the reasons discussed above, claim 7 is patentable over the proposed combination of Pallakoff in view of Armstrong.

Claims 8 depends from claim 7, incorporating its limitations. Therefore, for at least the reasons stated above, claim 8 is patentable over Pallakoff in view of Armstrong.

Claim 15 requires in substance the same novel features as claim 7. Therefore, for at least the reasons discussed above, claim 15 is patentable over Pallakoff in view of Armstrong.

Claim 16 depends from claim 15, incorporating its limitations. Therefore, for at least the reasons stated above, claim 16 is patentable over Pallakoff in view of Armstrong.

In view of the foregoing, the Examiner is requested to withdraw the rejections under 35 U.S.C. §§ 102 and 103 and issue a Notice of Allowance. If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith


should be charged to the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

**CONCLUSION**

In view of the foregoing, reconsideration and allowance of claims 1-4, 6-12, 14-16 are solicited. As a result of the amendments made herein, Applicant submits that claims 1-4, 6-12, 14-16 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (503) 222-9981. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,  
SCHWABE, WILLIAMSON & WYATT, P.C.

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by:   
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ANNOTATED SHEET

